1: Swanton E-5 (1911-12)1928 NNI1 Creek NNI1

682 177 on the authority of a trader who had been in the Creek country 15 years, that the murderer was publicly executed and the law of private retaliation had gradually become obsolete.[33] And, about 20 years later, Eakins says:

"Among the Creeks, now, however, the murderer undergoes a regular trial before some of the leading chiefs of the nation, and is dealt with according to their decision. If an Indian should murder a [563] negro, the law is satisfied with the value of the negro being paid to the owner. The intervention of time and the fleeing of the murderer, generally allay resentment and lead to compromises. After the annual "busk," all offences are cancelled.[34] There is no distinction made in the estimate of life between the male and female."[35]

691 The administration of justice was, however, far from being Europeanized. Thus Gregg contradicts Eakins in part when he tells us that—

"They have no trial by jury, and their judicial proceedings are exceedingly summary—frequently without witnesses; for the warriors are generally too proud to deny a charge, lest it be construed into cowardice. Executions sometimes take place within an hour after the commencement of trial. Murder, rape, and a third conviction of stealing are punished with death, usually by shooting; but, in case of homicide, if claimed by the relatives of the deceased, the criminal is executed with the same kind of weapon, or, if possible, the very same, with which he committed the murder."[36]

And he adds:

"Notwithstanding the severity of these laws, they are for the most part rigorously enforced; though a commutation satisfactory to the aggrieved is still permitted to release the offender. Their laws, in cases of accidental homicide, are still more barbariously rigid than those of the other nations."[37]

681 The information which I have myself obtained corroborates in all particulars that furnished by these earlier writers. The peculiar function of the White towns in protecting escaped criminals seems, however, to have well-nigh disappeared even before the migration to Oklahoma, as my oldest informants knew nothing about it. Jackson Lewis merely stated that a man who had committed an offense in one town frequently fled to another and kept out of sight as much as possible until a considerable period had elapsed. Then the chief of the town where he had sought refuge would say to the chief of the other town: "I have made a townsman of this friend of yours and I

[33] Hodgson, Journey through N. A., p. 267.

[34] This agrees with the statement of one of Speck's informants (Mem. Am. Anth. Assn., vol. II, p. 115), but anciently murder was one crime excepted from the general amnesty.

[35] Schoolcraft, Ind. Tribes, vol. I, p. 277.

[36] Gregg, Commerce of the Prairies, in Early Western Travels, vol. 20, p. 315.

[37] Ibid., pp. 315-316.